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9 *Attorneys for Plaintiff DAVID TOURGEMAN*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 DAVID TOURGEMAN, on Behalf of Himself
13 and All Others Similarly Situated,

14 Plaintiff,

15 vs.

16 COLLINS FINANCIAL SERVICES, INC.,
a Texas corporation; NELSON & KENNARD,
17 a California partnership; DELL FINANCIAL
SERVICES, L.P., a Delaware limited
18 partnership; CIT FINANCIAL USA, INC., a
Delaware corporation; and DOES 1 through 10,
19 inclusive,

20 Defendants.
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CASE NO.: 08-CV-1392-JLS(NLS)

**DECLARATION OF BRETT M. WEAVER
IN SUPPORT OF PLAINTIFF'S REPLY
TO OPPOSITION TO MOTION TO
COMPEL FURTHER RESPONSES TO
DISCOVERY REQUESTS AND FOR
SANCTIONS**

Date: April 5, 2010
Time: 9:30 a.m.
Courtroom: 1101
Judge: Hon. Nita L. Stormes

1 I, Brett M. Weaver, declare as follows:

2 I am an attorney admitted to practice in the State of California and am counsel of record for
3 Plaintiff David Tourgeman in this action. I have personal knowledge of the facts stated below. If
4 called upon to do so, I could and would competently testify thereto.

5 1. As of this filing date, I have exchanged six letters, several emails, and engaged in a
6 nearly two-hour telephonic discussion with Collins Financial Inc.'s ("Collins") and Nelson &
7 Kennard's ("Nelson") counsel, Tomio Narita, regarding this discovery dispute.

8 2. During our telephonic meet & confer discussion on January 7, 2010, Mr. Narita
9 confirmed that Paragon Way is Collins's subsidiary and collects debts on Collins's behalf. Mr.
10 Narita agreed to provide supplemental responses and documents related to Paragon Way. Thus, Mr.
11 Narita represented that he would provide supplemental responses to many of the discovery responses
12 he now claims were never discussed.

13 3. The state court summons and complaint that was served on Tourgeman's father listed
14 the creditor as American Investment Bank. But Tourgeman never owed a debt to American
15 Investment Bank. According to Defendant DFS, Tourgeman's loan agreement was with CIT. Thus,
16 Defendants listed the wrong creditor on the state court summons and complaint.

17 4. The parties noticed the deposition of Patricia Baxter, Collins's Senior Vice President
18 and General Counsel, for January 21, 2010. I cancelled the deposition because Collins did not
19 provide the requested supplemental responses and responsive documents in a timely manner. The
20 January 29, 2010 deposition of Jonathon Ayers, an attorney employed at Nelson, was also taken off
21 the calendar because Nelson failed to provide verified supplemental discovery responses.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 Executed this 29th day of March, 2010, at San Diego, California.

25
26 /s/ Brett M. Weaver
BRETT M. WEAVER